

June 16, 2022

VIA ECF

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The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

***Schansman et al. v. Sberbank of Russia PJSC et al.*, No. 1:19-cv-02985-ALC-GWG (S.D.N.Y.)
– Plaintiffs’ Response to VTB Bank PJSC’s Letter Motion for Extension of Time for VTB’s
New Counsel to File Their Notices of Appearances.**

Dear Judge Gorenstein:

We write on behalf of Plaintiffs in response to the letter motion filed by Defendant VTB Bank PJSC (“VTB”) seeking a further extension of time for VTB’s new counsel to file their notices of appearances. *See* ECF No. 358. Because of VTB’s non-participation in discovery throughout this case and the need for this Court’s intervention before VTB will produce any documents, Plaintiffs request authorization to brief Plaintiffs’ proposed motion to compel without further delay.

Plaintiffs first served requests for production on VTB on November 29, 2021 (more than seven months ago). Since that time, VTB has not produced a single document. While Plaintiffs attempted to negotiate with VTB’s current counsel, Latham & Watkins LLP, over a several month period, it became clear that VTB did not intend to participate in discovery at all absent Court intervention. Plaintiffs then notified VTB on April 5, 2022 that Plaintiffs intended to propose a motion to compel the production of documents from VTB, and after several conferences among counsel, VTB confirmed by April 14, 2022 (more than two months ago) that the parties were at an impasse on all issues in Plaintiffs’ proposed motion to compel. *See* ECF No. 313.

There is no basis for further delay. This Court’s intervention is necessary for VTB to participate in discovery, and VTB has every incentive to delay as long as possible. VTB’s current counsel, Latham & Watkins, has represented VTB for three years, *see* ECF No. 71, and are fully capable of continuing to represent VTB’s interests and to defend the legal position they have asserted for months—that VTB will not produce any documents in discovery. Further, VTB’s apparent substitute counsel have confirmed that there is no legal impediment to their appearance in this case or their ability to get paid for their work in this case. Affidavit of Zach Intrater ¶ 7, ECF No. 358-1; Affidavit of Izamit Mamaev ¶ 11, ECF No. 358-2. The family of Quinn Schansman should not be prejudiced by further delay in their efforts to investigate VTB’s sponsorship of terrorist activity

in Ukraine that killed their son and brother solely because a law firm which has not appeared in this case and has no legal interest in this case wishes to receive a retainer. Intrater Aff. ¶ 5; Mamaev Aff. ¶¶ 12-13.

For the foregoing reasons, Plaintiffs respectfully request the Court enter the following briefing schedule on Plaintiffs' proposed motion to compel:

June 21, 2022: Plaintiffs file memorandum of law in support of motion to compel

July 5, 2022: VTB files opposition to motion to compel

July 19, 2022: Plaintiffs file reply in support of motion to compel

Respectfully submitted,

/s/ Terri L. Mascherin

Terri L. Mascherin (admitted *pro hac vice*)

David Pressman

Jason P. Hipp

JENNER & BLOCK LLP

Counsel for Plaintiffs

cc: Counsel of Record (via ECF)